

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Arvie J. & Jaclyn L. Coffman

Debtor(s)

**CHAPTER 13
CASE NO: 09-57415-tjt
JUDGE: Tucker**

**DEBTORS' OBJECTION TO PROOF OF CLAIM NO.11
FILED BY MTGLQ**

NOW COME DEBTORS', by and through their attorneys, D. KEVIN DAVIS, P.L.C., and hereby files this as their Objection to Claim No. 11 filed by MTGLQ in this proceeding, and in support thereof, state as follows:

1. Debtors filed this Chapter 13 proceeding with this Honorable Court on or about June 2, 2009.
2. Creditor MTGLQ filed its Proof of Claim on or about October 7, 2009, alleging an unsecured claim for "money loaned" in the amount of \$57,929.80, along with accumulated interest of \$16,221.49 and "misc fees" of \$463.20.
3. No supporting documentation was attached to creditor's Proof of Claim, other than an "Itemized Statement of Charges".
4. Debtors' are unaware of any debt they owe to MTGLQ, and, upon information and belief, do not owe such amounts to MTGLQ as claimed in creditor's Proof of Claim.
5. Creditor MTGLQ's proof of claim does not comply with Federal Rule of Bankruptcy Procedure 3001(c) because no promissory note, purchase order, invoice, itemized statement of running accounts, contract, judgment, mortgage or other security agreement was attached, as directed by the official Proof of Claim form. Creditor's summary is insufficient for debtors to determine the validity of creditor's claim. Therefore, creditor's proof of claim is not entitled to prima facie validity.

WHEREFORE, Debtors pray this Honorable Court disallows Claim No. 11 filed by MTGLQ and/or award Debtors such other and further relief as this Court deems just and equitable.

Dated: January 25, 2010

Respectfully Submitted:
D. KEVIN DAVIS, P.L.C.
Attorney for Debtors

/s/ D. Kevin Davis
D. Kevin Davis (P52483)
Attorney for Debtors
13854 Lakeside Circle, Ste. 214
Sterling Heights, MI 48313-1316
(586) 797-9030; dkevindavis@netzero.net

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**ORDER SUSTAINING DEBTORS' OBJECTION TO
CLAIM NO. 11 FILED BY MTGLQ**

The Debtors having filed their Objection to Claim No. 11 filed by MTGLQ; no responses having been filed hereto; and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that Claim No. 11 filed by MTGLQ is disallowed.

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
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**NOTICE OF HEARING AND OPPORTUNITY TO RESPOND TO
DEBTORS' OBJECTION TO CLAIM NO. FILED BY MTGLQ**

Debtors, by and through their counsel, D. KEVIN DAVIS, P.L.C. have filed objections to your claim in this bankruptcy case.

Your claim may be reduced, modified or eliminated. You should read these papers over carefully and discuss them with your attorney, if you have one in this bankruptcy case.

If you do not want the court to deny or change your claim, then on or before **February 25, 2010**, you or your attorney must:

1. File with the court a written response to the Objection that complies with F.R.C.P. (8)(b), (c) and (e), explaining your position at:

United States Bankruptcy Court
211 W. Fort Street, Suite 1700
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

D. Kevin Davis, Attorney for Debtor(s), 13854 Lakeside Circle, Ste. 214, Sterling Heights, MI 48313-1316 ;
Tammy L. Terry, Chapter 13 Trustee, 535 Griswold, Buhl Bldg., Ste. 2100, Detroit, MI 48226; and
Office of the U.S. Trustee, 211 W. Fort, Ste. 700, Detroit, MI 48336

2. **Attend the hearing on the Objection scheduled to be held on March 4, 2010 at 11:00 am**, in the United States Bankruptcy Court, 211 W. Fort St., Courtroom 1925, Detroit, MI 48226, unless your attendance is excused by mutual agreement between yourself and the Objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and objection sustained.

Dated: 1/25/2010

Respectfully submitted:
D. KEVIN DAVIS, P.L.C.

/s/ D. Kevin Davis
D. Kevin Davis (P52483)
13854 Lakeside Circle, Suite 214
Sterling Heights, MI 48313-1316
(586) 797-9030; dkevindavis@netzero.net

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CERTIFICATE OF SERVICE OF DEBTORS' OBJECTION TO CLAIM

I hereby certify that on 1/25/2010, I served the following papers:

DEBTORS' OBJECTION TO CLAIM NO. 11 FILED BY MTGLQ, PROPOSED ORDER, NOTICE OF HEARING AND OPPORTUNITY TO RESPOND and CERTIFICATE OF SERVICE;

On the following parties at these addresses:

Tammy L. Terry, Chapter 13 Trustee, via ECF email;
Office of US Trustee, 211 W. Fort, Ste. 700, Detroit, MI 48226
MTGLQ, c/o LCS Financial, 6560 Greenwood Plaza Blvd., Ste. 325, Englewood, CO 80111

By the following means:

ECF and regular first class U.S. mail by depositing same in an officially designated U.S. postal box with the lawful amount of postage affixed thereto.

/s/ D. Kevin Davis

D. Kevin Davis (P52483)

Attorney for Debtors

13854 Lakeside Circle, Ste. 214

Sterling Heights, MI 48313-1316

(586) 797-9030; dkevindavis@netzero.net